LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

CALLED SESSION

OF THE

GENERAL ASSEMBLY.

BEGUN ON THE 20TH DAY OF NOVEMBER, A. D., 1858.

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LAWS.

CHAPTER I.

AN ACT legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the Clerks of the Circuit and Common Pleas Courts of this State after the reception of the Revised Statutes of 1852 in their respective counties.

[APPROVED DECEMBER 21, 1858.]

Preamble.

WHEREAS, Some of the Clerks of the Circuit Courts of this State, immediately after the reception in their respective counties of the Revised Statutes of 1852, under the belief that said Revised Statutes were in force in each county from the date of their reception in such county, took and certified the acknowledgment of divers deeds, mortgages and other instruments required by law to be recorded; therefore,

Acknowledgments of deeds, &c., taken by Clerks after the receipt but previous to the taking effect of the Revised Statutes, made valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acknowledgment of all deeds of conveyance, mortgages, and other instruments which are required by law to be recorded, taken and certified by any Clerk of any Circuit Court or Court of Common Pleas of this State at any time after the reception of the Revised Statutes of 1852 in his office, be and the same are hereby legalized; and all such acknowledgments are hereby declared to be as valid and effectual, to all intents and purposes, as if said acknowledgments had been taken and certified after the distribution of the said Revised Statutes in the several counties of this State. And the record of all such deeds, mortgages and other instruments shall in all respects be used and treated as though such acknowledgments had been properly taken.

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CHAPTER II.

AN ACT to provide for the appraisement of real estate, and prescribing the duties of Officers in relation thereto.

[APPROVED DECEMBER 21, 1858.]

Board of Commissioners to appoint appraiser of real estate in each county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners of each county within this State shall, at their first term after the passage and publication of this Act, or at a special session to be immediately called, appoint some suitable person, resident in such county, as appraiser of the real estate of such county, and if a vacancy shall at any time happen in the office of appraiser as aforesaid, for any cause whatever, before the duties required of such appraiser shall be fully completed, then, and in that case, the County Auditor shall fill such vacancy, and the said appraiser so appointed, shall hold his office until the completion and return of his appraisement: *Provided*, That nothing in this section shall prevent the Board of Commissioners of any county from appointing a deputy or deputies to the appraiser, in case of sickness, want of time, or other disability to discharge the duties of his office in the time and manner required by law.

Vacancy to be filled by appointment by the Co. Auditor. Proviso.

Deputies.

Appraiser to be elected at annual Oct. election, 1863, and every 5 years afterwards. To enter duties Jan. 1.

SEC. 2. At the annual election of October, A. D., one thousand eight hundred and sixty-three, and every five years thereafter, an appraiser shall be elected by the people thereof, who shall, after the first day of January thereafter, proceed to discharge the duties required by this act.

Appraiser's oath to be filed in Auditor's office.

SEC. 3. That the appraiser or appraisers so appointed or elected, shall, previous to entering on the duties of his office, take and subscribe an oath or affirmation, to be endorsed on the certificate of his appointment, that he will faithfully, impartially, and to the best of his skill and ability, appraise all lands and town lots situate in his county, upon actual view, at their true cash value, which certificate, so endorsed, shall be filed with the County Auditor.

Failing to qualify in 10 days, Auditor to appoint to vacancy.

SEC. 4. If any person appointed or elected appraiser as aforesaid shall not, within ten days after his appointment, take and subscribe the oath or affirmation required by the preceding section, the said office shall be considered vacant, and the Auditor shall at once fill such vacancy by appointment, and the person appointed to fill the vacancy shall take the oath of office as required in the preceding section.

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Auditor to make out list of lands by civil townships —also, plats.

SEC. 5. That the county auditor of each county shall immediately make out by civil townships, lists of all lands and town lots entered on the duplicate of the preceding and present year, noting thereon all transfers which may have been made subsequent to the making out of such duplicate, and shall also enter thereon all new entries and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation, which shall be delivered to the appraiser from time to time, as the same are completed, on application, and said Auditor is hereby required to furnish the necessary lists and blanks for the said appraiser. And said Auditor shall also prepare a plat of each civil township in his county, divided into sections and quarter sections, and deliver the same to the appraiser with said lists, and it shall be the duty of said appraiser to designate the lands of each on such plat.

Appraiser within ten days to list all real estate in county.

SEC. 6. That it shall be the duty of the appraisers appointed in pursuance of this act, within ten days after their appointment, to proceed to list and appraise all the real estate in his county, subject by law to taxation, as follows, to-wit:

1st. Lands, their value, improvements, facilities, &c.

First. The said appraiser shall, upon actual view, make a true valuation of all lands, together with the improvements and buildings thereon, or affixed thereto, at their full value in money, as he would appraise the same in payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to railroads, macadamized roads, clay roads, turnpike roads, plank roads, State and county roads, cities, towns, villages, navigable rivers, water privileges on the same, or in the vicinity of the same, the location of the route of any canal or canals, with any other local advantages of situation: *Provided*, That said appraiser shall also value all lands at their cash value, without taking into consideration any improvement that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in proper columns provided for that purpose.

2d. Town lots & property held by corporations and companies, except W. and E. Canal.

Second. In-lots and out-lots in all towns, cities and villages, with the improvements thereon, or affixed thereto, shall be valued at their true and full value in money, taking into consideration all the local advantages of situation. The said appraiser shall also, on actual view, make a true valuation of all lands used or held by railroad companies for road bed, depot or station grounds, gravel pits, switches and side tracks, and all railroad tracks, depot buildings, and other superstructures thereon, according to the same rule herein prescribed for ascertaining the value of other real

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property, and he shall in the same manner make a true valuation of all macadamized roads, plank roads, turnpike roads and canals, other than the Wabash and Erie Canal; and also all toll-bridges belonging to private persons or private corporations, to be valued upon actual view of the premises.

Appraiser to call on each person for list of lands; lots and description thereof.

SEC. 7. The appraiser shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots, owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or sub-division thereof; the range, township, section, quarter section, tract, lot, or part thereof; or the number of the entry, location or survey, and water-course, as the nature of the general or particular survey may require; and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same; and in the French and English grants, or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this Act, the number of the entry, water-course, and the name of the original proprietor: also, all in-lots and out-lots, owned or held as aforesaid, with the number thereof, as described in the recorded plat of said town, or part thereof, if it has been sub-divided, which statement shall be made out by the person assessed, or by the appraiser, from information given by such person, and shall be signed by the person making it.

When owners are absent or unknown.

SEC. 8. If the owner or owners of any property required to be listed and appraised by the preceding section of this Act shall be absent or unable to give in a list thereof, when called upon by the appraiser, or if the owner or owners thereof shall not reside within the county, or shall fail or refuse to deliver to such appraiser a list of his, her or their real estate as aforesaid, it shall be the duty of such appraiser to make a list thereof, according to the best information he can obtain, subject to the provisions of the ninth section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted that the owner is unknown, in the column of names, and to enable him so to do, he is hereby

Authorized in certain cases to administer oaths.

authorized to examine, on oath or affirmation, any person whom he may suppose to have knowledge of the amount

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and value of all lands which such person refused to list as required.

Rules for ascertaining quantity of land.

SEC. 9. The appraiser, in ascertaining or determining the quantity of land in the several tracts within his county, shall be governed by the following rules: Whenever the owner or person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the State of Indiana, or by patent from the United States for Congress land, such deed or patent, if the quantity be therein stated, shall be taken and received as the evidence of the quantity in the tract described; but if such land shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the appraiser that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey. If the owner, or person in whose name any lands are listed within the French or Clark's grant, shall hold under an original entry or survey, with or without the patent thereon, it shall be the duty of the appraiser to require the said owners or holders to cause the same to be surveyed by the county surveyor, or some other competent person, and to return the quantity under the certificate of such surveyor, attested by oath or affirmation, within thirty days after said owners or holders shall have been called upon to list their lands for taxation, and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if he, she, or they be non-residents of the county, then it shall be the duty of the appraiser to cause such lands to be surveyed and returned to himself; the expense of which survey shall be reported to the County Auditor and paid out of the county treasury, and be by the Auditor of the county assessed against such lands and collected in the same manner as taxes are collected thereon: *Provided*, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the appraiser a certificate of survey other than that under the original entry of said lands, such survey shall be taken by such appraiser; or if the appraiser shall be satisfied, from other competent evidence adduced to him, under oath or affirmation, that the quantity returned is correct, and that no surplus exists in the original survey, he shall enter and return the same without further survey for taxation: *Provided*, That there shall be deducted from the lands owned by any person, as shown by such deed or survey, the

When by patent.

By subsequent survey.

When of the French or Clark's grant.

When to be estimated by appraiser.

Proviso. Lands occupied by railroads, &c., to be deducted.

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amount of the same occupied by any railroad, canal or public highway.

Appraiser to note lands without improvements.

SEC. 10. The appraiser shall complete his list, taken as before provided, placing on the same opposite to each tract of land listed; and if a town lot, or part of a lot, the value without improvements; and also, in another column opposite, the value of the improvements erected thereon or affixed thereto; and opposite to each town lot or part of a lot, the value without improvement, and the value of improvements erected thereon or affixed thereto.

Improvements.

To give owner notice of quantity value &c, and also when and where the Board of Equalization sits.

SEC. 11. The appraiser shall, at the time of making the appraisement and taking the list required by the preceding section of this act, inform the owner or owners, his, her or their agent or representative, if residing within the county, or shall leave a memorandum, containing a description and value of each tract, lot or parcel of land, at his, her or their place of residence, containing the amount at which his, her or their real estate has been appraised respectively, and of the time when the Board of Equalization for the county will meet for the purpose of hearing and determining grievances and to equalize taxes within the same.

To enter and examine buildings with consent of owner.

SEC. 12. For the purpose of enabling the appraiser to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner or occupant thereof, and fully examine all buildings and structures of whatever kind, which are not by the laws of the State expressly exempted from taxation.

To return to Co Auditor lists and tables.

SEC. 13. Each appraiser shall on or before the fourth Monday of May next, after his appointment or election, make out and deliver to the Auditor of his county a return, by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain,

Of names and owners, &c., of lands.

First. The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from actual view.

Of town property.

Second. The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the ap-

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propriate columns opposite each name the description of each parcel of real property in each town in his county, and the value thereof, as determined by the appraiser, as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property, if known; and if unknown that fact shall be set forth. Also, a correct and pertinent description of each separate parcel of land or real property: if a town lot, or part thereof, the name of the town, the number or other designation of the lot, and if a part of such lot, then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of townships, the number of townships, the number of sections, tract, lot or subdivision of either, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel.

The French and Clark's grant to be set forth by original survey.

SEC. 14. Each appraiser and deputy appraiser shall take and subscribe an oath, which shall be certified by the magistrate or other officer administering the same, and attached to the return he is required to make to the County Auditor in the following form:

Appraiser and deputy to take oath.

I, ————, appraiser of the county of ———, in the State of Indiana, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same; that the value attached to each parcel of said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed by law; that in no case have I knowingly omitted to demand a statement of the description and value of all the real estate which I am required by law to list, or in any way connived at any violation or evasion of any of the requirements of the law in relation to the listing and valuing real estate, which abstract shall be kept at the office of the County Auditor, for the inspection of any owner of property contained on such abstract; and it shall be the duty of the County Auditor to give two weeks public notice, by advertisement in a newspaper, if one be published in the

Form of oath.

To be filed in Auditor's office.

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Auditor to give public notice of time and place of sitting of the Board of Equalization.

county, or, if no newspaper be printed in the county, by advertisement set up at the door of the Court-house and at some public place in each township, of the time and place when and where the Board of Equalization of such county will meet for the purpose of hearing and determining grievances and to equalize appraisements thereon.

Compensation of appraisers and deputies to be $2 per day. Accounts to be sworn to.

SEC. 15. The appraiser and deputy appraiser shall each be allowed, for the time they may necessarily be employed in the performance of their duties, two dollars per day, which allowance shall be paid out of the county treasury. The said appraisers shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath, and the Board doing county business, if they shall find such statement to be correct, shall allow the same; but in no case shall the same be allowed until the appraiser shall have filed his list of appraisements, with the statements returned to him, the maps and books in which the original assessments were entered, with the Auditor—the list to be accurately made out and added up, with a recapitulation of the whole by civil townships.

Appraisers to make out and swear to their accounts each week.

SEC. 16. Each appraiser and deputy appraiser shall, at the end of each week in which he shall have been engaged in the performance of any of the duties required of him by law, enter an account in writing of the number of days or parts of days he may have been so engaged during the week, at some stated meeting of the Board doing county business, shall present such original account to said Board, and shall testify under oath or affirmation to the accuracy of such statement, and shall answer such questions respecting the same as may be put to him by the Board.

When guilty of misdemeanor.

SEC. 17. If any appraiser shall, by himself or deputy, or deputies, be guilty of any neglect of duty which, by any law now in force or which may hereafter be enacted, it is made his duty to perform, the Board doing county business may make such deduction from his account for services rendered as they may deem just and reasonable, and he shall moreover be deemed guilty of a misdemeanor, and fined in

Penalty for same.

any sum not less than five nor more than five hundred dollars, in the discretion of the court or jury trying the same.

Shall enter those who "refused to furnish a list."

SEC. 18. The appraiser shall enter, in a column provided for that purpose, opposite the name of every person, company or corporation required to list his real estate, and who has refused to furnish the list required, these words: "Refused to furnish a list"—and he is hereby required to notify such person so refusing, the penalty to be attached.

25 per cent. to be

SEC. 19. The several County Auditors, in making out

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the duplicate of real estate, shall add *twenty-five* per cent. to the value of all real estate of every person, company and corporation opposite whose name the appraiser shall have noted in his return the words "refused to furnish a list," and the taxes assessed thereon shall be collected by the County Treasurer for the benefit of the county, as other taxes are collected by him, unless otherwise ordered by the Board of County Commissioners.

added on to those who "refuse to furnish a list."

SEC. 20. Each appraiser shall, at the time he is required by this act to make return of the taxable real property to the County Auditor, also deliver to him all the statements of property which he shall have received from persons required to list real estate, the same arranged in alphabetical order by civil townships, and said Auditor shall carefully file and preserve the same in his office.

Lists to be filed in Auditor's office.

SEC. 21. If any County Auditor, upon receiving the returns made by any appraiser, shall be satisfied that he has omitted any parcel of lands, town lot, or part of either, within the county which it was his duty to return, such Auditor may require such appraiser to correct such omission, and the appraiser shall, within ten days, correct all such omissions and make return thereof to such Auditor, and the correction shall be made upon the list of appraisements; but nothing herein contained shall authorize any appraiser to reduce the amount assessed against any in his former returns.

Auditor may require appraiser to correct omissions, but not to reduce the amount.

SEC. 22. Each County Auditor shall, from time to time, as he may discover any errors in the description or quantity of any land, town lots, or parts of either, correct the same upon the list of real property of his county.

Auditor to correct errors in lists.

SEC. 23. Each County Auditor shall immediately procure, at the expense of the county, a sufficient number of the blank lists, forms and instructions required by this act, or by the Auditor of State, and deliver the same to the appraiser. And the Auditor of State shall, immediately after the passage of this act, prepare and transmit to the several County Auditors all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

County to furnish appraisers' blanks, &c. Auditor of State to furnish same to County Auditors.

SEC. 24. The appraisement of the real estate made in pursuance of the provisions of this act shall constitute the basis upon which the taxes within the State shall be assessed for the ensuing five years and until a re-appraisement shall have been made, as provided in this act; and all laws or parts of laws that contravene any of the provisions of this act are hereby repealed, and especially so much of sections 32, 33, 34 and 35 of "An act to provide for valuation and assessment of the real and personal property, and the col-

First appraisement to be basis of taxes for five years.

Certain laws repealed.

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lection of taxes in the State of Indiana; for the election of township assessors; and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, as are inconsistent with the provisions of this act.

Emergency.

SEC. 25. Inasmuch as by the provisions of this act the officers therein named are required to enter upon the discharge of their duties before the acts of this session can be published, an emergency exists for the immediate taking effect of this act, therefore this act shall be in force from and after its passage and publication in the *Indiana Journal* and *Indiana State Sentinel*, and the Auditor of State shall forward a copy of this act to each County Auditor as soon as the same is published.

NOTE.—Published in Indiana Journal and Indiana State Sentinel Dec. 25, 1858.

CHAPTER III.

AN ACT making specific appropriations for the year 1858.

[APPROVED DECEMBER 24, 1858.]

Principal and assistant clerks and secretaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for every day they may have served as such during the present session of the General Assembly; and that such assistants as may have been necessarily employed by the secretaries and clerks aforesaid be allowed the sum of four dollars each per day for every day so employed, to be ascertained and certified by the said secretaries of the Senate and clerks of the House of Representatives respectively.

Principal doorkeepers.

SEC. 2. That the principal doorkeepers of the Senate and House of Representatives be each allowed the sum of three dollars per day for every day they may have served as such during the present session of the General Assembly.

Assistant doorkeepers.

SEC. 3. That the assistant doorkeepers of the Senate and House of Representatives be each allowed the sum of three dollars per day for each day so employed. The number of days which the assistant door-keepers have

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served shall be certified by the principal doorkeeper of their respective Houses.

Clerks of committees.

SEC. 4. Clerks of committees shall be allowed three dollars per day, to be certified by the chairmen of the respective committees.

Secretary of Senate for superintending printing of Journal.

SEC. 5. That the principal secretary of the Senate, for superintending the printing and reading proof of the Senate Journal, and preparing an index for the same, shall be allowed the sum of four dollars per day for the time necessarily employed.

Clerk of House for superintending printing of Journal.

SEC. 6. That the principal clerk of the House of Representatives, for superintending the printing and reading proofs of the House Journal, and preparing an index for the same, be allowed the sum of four dollars per day for the time necessarily employed, not exceeding twelve days.

Messengers and pages.

SEC. 7. That the messengers and pages employed in the Senate and House of Representatives be each allowed the sum of two dollars per day for every day they may have served as such during the present session, to be certified by the principal doorkeepers of the respective Houses.

Patrick Powers.

SEC. 8. That Patrick Powers, for sawing wood and making kindling during the present session, be allowed the sum of two dollars per day for each day he has been so employed.

James Griffin.

SEC. 9. That James Griffin, for sawing wood for the use of the General Assembly during the present session, be allowed the sum of two dollars per day for each day he has been so employed.

Wright, Blake & Co.

SEC. 10. That Wright, Blake & Co. be allowed the sum of twelve dollars for ribbon furnished the late State librarian, as per bill on file.

C. Zimmerman

SEC. 11. That C. Zimmerman be allowed six dollars and fifty cents for repairing the roof of the House, as per bill on file.

Indianapolis Journal Co.

SEC. 12. That the Indianapolis Journal Co. be allowed the sum of three hundred and nineteen dollars for their Daily Journal, furnished the House of Representatives at this session.

Indianapolis Sentinel Co.

SEC. 13. That the Indianapolis Sentinel Co. be allowed the sum of three hundred and nineteen dollars for the Daily Sentinel, furnished the House of Representatives at the present session.

Richard Hennigen (Free Press).

SEC. 14. That Richard Hennigen be allowed the sum of fifty-eight dollars for the Weekly Indiana Free Press,

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furnished the House of Representatives at its present session.

Julius Boetticher (Volksblatt).

SEC. 15. That Julius Boetticher be allowed the sum of fifty-eight dollars for the Weekly Volksblatt, furnished the House of Representatives at the present session.

T. A. Goodwin (American).

SEC. 16. That T. A. Goodwin be allowed the sum of forty dollars for the Indiana American, furnished the House of Representatives at the present session.

Sentinel Co., for Legislative Sentinel.

SEC. 17. That the Indiana Sentinel Co. be allowed the sum of one hundred dollars for two hundred copies of the Legislative Sentinel, furnished the House of Representatives at its present session.

Robert Boston.

SEC. 18. That Robert Boston be allowed the sum of three dollars per day for four days' services as assistant doorkeeper, in organizing the House.

John Bledsoe.

SEC. 19. That John Bledsoe be allowed the sum of twelve dollars for services as assistant doorkeeper at the last session of the Indiana House of Representatives.

T. A. Goodwin.

SEC. 20. That T. A. Goodwin be allowed the sum of eighteen dollars for next week's Weekly Indiana American, and for postage, to be mailed to members of the House of Representatives.

Jas. R. Bracken.

SEC. 21. That James R. Bracken be allowed the sum of four dollars per day for two days' services as clerk, in organizing the Legislature.

Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, Cooper and Gooding.

SEC. 22. That Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennet, Wagner, Cooper and Gooding, Committee on State Prison, be allowed each the sum of sixteen dollars and fifty cents for expenses in visiting said Prison.

Augustus Haltzman.

SEC. 23. That Augustus Haltzman be allowed the sum of twenty-four dollars for six days' services as an assistant doorkeeper at the session of 1857.

Jeremiah Shea.

SEC. 24. That Jeremiah Shea be allowed the sum of thirty-six dollars for carrying the mail of both Houses during the present session.

Cameron & McNeely.

SEC. 25. That Cameron & McNeeley be allowed the sum of one hundred and six dollars and twenty-five cents for papers furnished the Senate.

Messrs. Heffren, March, Wilson, Gooding and Bobbs.

SEC. 26. That Hons. Horace Heffren, Walter March, James E. Wilson, David R. Gooding and John S. Bobbs be each allowed four dollars per day for the period of thirty days each as a Select Committee on Bank Frauds of the last session, sitting during vacation.

A. B. Willard & Co.

SEC. 27. That A. B. Willard & Co. be allowed the

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sum of three dollars for articles furnished for the use of the Senate.

SEC. 28. That Merrill & Co. be allowed the sum of eight dollars for stationery furnished for the use of the Senate. Merrill & Co.

SEC. 29. That B. F. Tuttle be allowed the sum of sixty cents for articles for the use of the Senate. B. F. Tuttle.

SEC. 30. That George H. Johnson be allowed the sum of four dollars and sixty cents for articles furnished for the use of the Senate. Geo. H. Johnson.

SEC. 31. That Robert Browning be allowed the sum of fifty cents for articles furnished for the use of the Senate. Robt Browning.

SEC. 32. That John Ott be allowed the sum of fourteen dollars for chairs for the use of the Senate. John Ott.

SEC. 33. That J. & J. Bradshaw be allowed the sum of four dollars and fifty-five cents for articles for the use of the Senate. J. & J. Bradshaw.

SEC. 34. That Kline G. Shryock be allowed mileage and per diem of a member for fifteen days. Kline G. Shryock.

SEC. 35. That the Indianapolis Journal Co. be allowed the sum of two hundred and eighty-eight dollars for papers furnished the Senate. Indianapolis Journal Co.

SEC. 36. That the Indiana Sentinel Co. be allowed the sum of three hundred and eighty-eight dollars for Daily Sentinel and Legislative Sentinel furnished the Senate. Indiana Sentinel Co.

SEC. 37. That T. A. Goodwin be allowed the sum of forty-nine dollars and fifty cents for the Indiana American furnished the Senate. T. A. Goodwin.

SEC. 38. That E. J. Baldwin & Co. be allowed the sum of four dollars for thermometers furnished the Senate. E. J. Baldwin & Co.

SEC. 39. That Julius Boetticher be allowed the sum of thirty-three dollars for the Weekly Volksblatt furnished the Senate. Julius Boetticher.

SEC. 40. That ——— Hennigen be allowed the sum of thirty-three dollars for the Weekly Free Press furnished the Senate. — Hennigen.

SEC. 41. That John Coburn, John Coburn.

For three days' attendance.....		6 00
John Hunt,		John Hunt.
For 134 miles travel.....	6 70	
Three days' attendance.....	6 00	
	———	12 70

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J. P. C. Shanks. John P. C. Shanks,
For 180 miles travel..... 9 00
Three days' attendance..... 6 00
15 00

M. G. Bright. Michael G. Bright,
For 172 miles travel..... 8 60
Three days' attendance..... 6 00
14 60

D. M. Dunn. D. M. Dunn,
For 140 miles travel..... 7 00
Three days' attendance..... 6 00
13 00

S. H. Buskirk. S. H. Buskirk,
For one day's attendance..... 2 00

E. D. Taylor. E. D. Taylor,
For one day's attendance..... 2 00

J. S. Harvey. J. S. Harvey,
For one day's attendance..... 2 00

Samuel Judah. Samuel Judah,
For 272 miles travel..... 13 60
For three days' attendance..... 6 00
19 60

Jacob R. Hall. Jacob R. Hall,
For 320 miles travel..... 16 00
For three days' attendance..... 6 00
22 00

Amiza L. Wheeler. Amiza L. Wheeler,
For two days' attendance..... 4 00

J. W. Hervey. J. W. Hervey,
For 30 miles travel..... 1 50
For one day's attendance..... 2 00
3 50

Samuel Burson. Samuel Burson,
For one day's attendance..... 2 00

P. A Hackleman. P. A Hackleman,
For 92 miles travel..... 4 60
For three days' attendance..... 6 00
10 60

John L. Robinson. John L. Robinson,
For 92 miles travel..... 4 60
For one day's attendance..... 2 00
6 60

Thos. J. Harris. Thomas J. Harris,
For 400 miles travel..... 20 00
For five days' attendance..... 10 00
30 00

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John M. Cord,			John M. Cord.
For 280 miles travel.....	14 00		
Three days' attendance.....	6 00		
		20 00	W. W. Williams.
W. W. Williams,			
For 72 miles travel.....	3 60		
Two days' attendance.....	4 00		
		7 60	
John Foster,			John Foster.
For one day's attendance.....		2 00	
James F. Suit,			James F. Suit.
For one day's attendance.....		2 00	
George W. Haryman,			George W. Haryman.
For 200 miles traveled,.....	10 00		
Three days' attendance.....	6 00		
		16 00	
John F. Sims,			John F. Sims.
For 56 miles travel, ...	2 80		
Two days' attendance.....	4 00		
		6 80	
James S. Wood,			James S. Wood
For 300 miles travel.....	15 00		
Three days' attendance.....	6 00		
		21 00	
Isaac Vandeventer,			Isaac Vandeventer.
One day's attendance,.....		2 00	
A. S. Griggs,			A. S. Griggs.
For 92 miles travel,.....	4 60		
Three days' attendauce,.....	6 00		
		10 60	
James McMurry,			James McMurry
For 80 miles travel,.....	4 00		
Three days' attendance,.	6 00		
		10 00	
Austin H. Brown,			A. H. Brown.
For one day's attendance,.....		2 00	
A. F. Morrison,			A. F. Morrison
For two days' attendance,.....		4 00	
James F. Parker,			James F. Parker.
For 186 miles travel,.....	9 30		
Four days' attendance,.....	8 00		
		17 30	
A. P. Willard,			A. P. Willard.
For one day's attendance.....		2 00	
Calvin Fletcher,			Calvin Fletcher
For two days' attendance,.....		4 00	

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Wm. S. Dennis. Wm. S. Dennis,
For 136 miles travel,..... 6 80
Three days' attendance,..... 6 00
12 80

Thos. Dowling. Thomas Dowling,
For 140 miles travel,..... 7 00
Three days' attendance,..... 6 00
13 00

G. L. Jeroloam. George L. Jeroloam,
For one day's attendance,..... 2 00

W. H. Talbott. W. H. Talbott,
For two days' attendance,..... 4 00

John S. Spann. John S. Spann,
For one day's attendance, ... 2 00

James P. Drake. James P. Drake,
For one day's attendance, ... 2 00

James H. Weir. James H. Weir,
For 240 miles travel,..... 12 00
Three days' attendance,..... 6 00
18 00

Chas. H. Test. Charles H. Test,
For one day's attendance,..... 2 00

T. L. Smith Thomas L. Smith,
For one day's attendance,..... 2 00

John Hunt John Hunt, of Madison,
For 68 miles travel,..... 3 40
Two days' attendance,..... 4 00
7 40

William Petty. William Petty,
For one day's attendance,..... 2 00

S. H. Patterson. Samuel H. Patterson,
For 216 miles travel,..... 10 80
Five days' attendance,..... .... 10 00
20 80

W. Baker. W. Baker,
For 390 miles travel,..... 19 50
Four days' attendance,. 8 00
27 50

John M. Pound. To John M. Pound, sheriff of Clark county, the sum of fifty cents, for services;

Milo D. Ellis. To Milo D. Ellis, sheriff of Wabash county, for services, the sum of one dollar and forty cents;

A. J. Redman. To A. J. Redman, sheriff of Tipton county, for services, the sum of fifty cents;

John D. Wilson. To John D. Wilson, sheriff of Decatur county, for services, the sum of fifty cents;

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To William M. Campbell, sheriff of Randolph county, for services, the sum of sixty cents; W. M. Campbell.

To William B. Low, sheriff of Union county, for services, the sum of one dollar; Wm. B. Low.

To A. S. Jones, sheriff of Warren county, for services, the sum of one dollar and thirty cents; A. S. Jones.

To William Flemming, sheriff of Allen county, for services, the sum of fifty cents; Wm. Flemming.

To J. W. Johnson, sheriff of Owen county, for services, the sum of one dollar and sixty cents; J. W. Johnson.

To Thomas Lyons, sheriff of Fountain county, for services, the sum of one dollar and thirty cents; Thomas Lyon.

To Silas D. Huckleberry, sheriff of Jennings county, for services, the sum of one dollar and forty cents; Silas D. Huckleberry.

That Ambrose McKenzie, Assistant Sergeant-at-arms, be allowed the sum of three dollars and twenty cents; A. McKenzie.

That S. H. Caskey, sheriff of Rush county, be allowed the sum of one dollar and eighty cents. S. H. Caskey.

E. Ellis Campbell,		E. E. Campbell.
For one day's attendance, ...		2 00
Henry Bigler,		Henry Bigler.
For one day's attendance, ...		2 00
George C. Merrifield,		G. C. Merrifield.
For 382 miles travel, ...	19 10	
Three days' attendance, ...	6 00	
		25 10
Washington Malick,		Wash. Malick.
For 138 miles travel, ...	6 90	
Three day's attendance, ...	6 00	
		12 90
Isaac W. Tackett,		I. W. Tackett.
For 44 miles travel, ...	2 20	
Two days' attendance, ...	4 00	
		6 20
John D. Montgomery,		John D. Montgomery.
For 100 miles travel, ...	5 00	
Three days' attendance, ...	6 00	
		11 00
John Witherow,		John Witherow.
For 46 miles travel, ...	2 00	
Two days' attendance, ...	4 00	
		6 00
George Tague,		George Tague.
For one day's attendance, ...		2 00

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D. H. Crouse. David H. Crouse,
For 144 miles travel,..... 7 20
Three days' attendance,..... 6 00
13 20

N. J. Jackson. N. J. Jackson,
For 80 miles travel,..... 4 00
Two days' attendance,..... 4 00
8 00

W. R. Bowes. Wm. R. Bowes,
For one day's attendance,..... 2 00

J. D. Defrees. J. D. Defrees,
For three days' attendance,..... 6 00

S. Brookshire. Swan Brookshire,
For 126 miles travel,..... 6 30
Three days' attendance,..... 6 00
12 30

J. Montgomery. James Montgomery,
For 244 miles travel,..... 11 20
Three days' attendance,..... 6 00
17 20

C. D. Murry. Charles D. Murry,
For 110 miles travel,..... 5 50
Four days' attendance,..... 8 00
13 50

R. M. Hudson. R. M. Hudson,
For one day's attendance,..... 2 00

Larry Kenedy. *Ordered*, That an allowance be recommended to Larry Kenedy of two dollars a day for fourteen days attendance as door-keeper to the committee.

Milton Gregg. Milton Gregg,
For 224 miles travel,..... 11 20
Three days' attendance,..... 6 00
17 20

John Weston. John Weston,
For 400 miles travel,..... 20 00
Three days' attendance,..... 6 00
26 00

A. P. Clark. A. P. Clark,
For 396 miles travel,..... 19 80
Three days' attendance,..... 10 00
29 80

J. F. Brothwell. A. F. Brothwell,
For 400 miles travel,..... 20 00
Three days' attendance, ... 6 00
26 00

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J. H. Thomas,			J. H. Thomas
For 190 miles travel,.....	9 50		
Four days' attendance,.....	8 00		
		17 50	
J. D. Skeen,			J. D. Skeen.
For one day's attendance,.....		2 00	
A. R. McCleary,			A. R. McCleary.
For 170 miles travel,.....	8 50		
Three days' attendance,.....	6 00		
		14 50	
Minor Meeker,			Minor Meeker.
For 116 miles travel,.....	6 50		
Three days' attendance,.....	6 00		
		12 50	
John R. Cravens,			J. R. Cravens.
For 172 miles travel,.....	8 60		
Three days' attendance,.....	6 00		
		14 60	
Lewis Burke,			Lewis Burke.
For 138 miles travel,.....	6 90		
Three days' attendance,.....	6 00		
		12 90	
J. W. Purson,			J. W. Purson.
For 100 miles travel,.....	5 00		
Three days' attendance,.....	6 00		
		11 00	
James M. Mathes,			Jas. M. Mathes.
For 218 miles travel,.....	10 90		
Three days' attendance,.....	6 00		
		16 90	
Charles S. Ellis,			Chas. S. Ellis.
For 200 miles travel,.....	10 00		
Four days' attendance,.....	8 00		
		18 00	
A. V. Bartholomew,			A. V Bartholomew.
For 300 miles travel,.....	15 00		
Three days' attendance,.....	6 00		
		21 00	
V. J. Burnet,			V. J. Burnet.
For 146 miles travel,.....	7 30		
Three days' attendance,.....	6 00		
		13 30	
George W. Monks,			G. W. Monks.
For 144 miles travel,.....	7 20		
Three days' attendance, ...	6 00		
		13 20	

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D. C. Branham. D. C. Branham,

For 172 miles travel,.....	8 60	
Three days' attendance,.....	6 00	
		14 60

John Pettit. John Pettit,

For one day's attendance,.....		2 00

C. K. Drew. Cyrus K. Drew,

For 390 miles travel,.....	19 50	
Four days' attendance,.....	8 00	
		27 50

M. W Shields Weedy W. Shields,

For 120 miles travel,.....	6 00	
Three days' attendance,.....	6 00	
		12 00

O. P. Gilham. O. P. Gilham,

For 300 miles travel,.....	15 00	
Three days' attendance,.....	6 00	
		21 00

David S. Lewis. David S. Lewis,

For 270 miles travel,.	13 50	
Three days' attendance,.....	6 00	
		19 50

James M. Ray. James M. Ray,

For two days' attendance,.....		4 00

David Crane. David Crane,

For 228 miles travel,.....	11 40	
Three days' attendance,.....	6 00	
		17 40

A. W. Landford. A. W. Landford,

For 150 miles travel,.....	7 50	
Three days' attendance,.....	6 00	
		13 50

John W. Talbott. John W. Talbott,

For two days' attendance,.....		4 00

J. W. Brodie. That James W. Brodie, sheriff of Sullivan county, be allowed the sum of two dollars and 60 cents.

R. M. Salyas. That R. M. Salyas, sheriff of Jefferson county, be allowed the sum of one dollar and eighty-six cents.

Martin Anthens. That Martin Anthens, sheriff of Knox county, be allowed the sum of one dollar and sixty cents.

John Wertz. That John Wertz, sheriff of Miami county, be allowed the sum of 20 cents.

Peter Bowman. That Peter Bowman, deputy sheriff of Steuben county, be allowed the sum of one dollar and eighty cents.

Wm. McCleary. That William McCleary, sheriff of Fayette county, be allowed the sum of one dollar and forty cents.

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That Enoch Broughman, sheriff of Jackson county, be allowed the sum of one dollar and fifty cents. E. Broughman.

That Morgan Chandler, sheriff of Hancock county, be allowed the sum of fifty cents. M. Chandler.

That Wilson R. McElhery, sheriff of Cass county, be allowed the sum of fifty cents. W. McElhery.

Joshua S. McDowell, sergeant-at-arms, for services as such, the sum of six hundred and thirty-one dollars and five cents, and as compensation for correspondence with sheriffs and postage in that behalf expended, the sum of fifteen dollars. J. S. McDowell

D. C. Shanks, assistant sergeant-at-arms, for services as such, the sum of one hundred and seventy-nine dollars and forty cents. D. C. Shanks.

F. A. McDowell, assistant sergeant-at-arms, for services as such, the sum of fifty-three dollars and ninety cents. F. A. McDowell.

John L. Dew, assistant sergeant-at-arms, for serviees as such, the sum of two dollars and sixty cents. John L. Dew.

J. W. Plummer, assistant sergeant-at-arms, for services as such, the sum of seven dollars and twenty cents. J. W. Plummer

John L. Menaugh, assistant sergeant-at-arms, for services as such, the sum of thirty dollars and ninety cents. J. L. Menaugh

George W. Randall, assistant sergeant-at-arms, for services as such, the sum of fourteen dollars and forty cents. G. W. Randall.

George W. Burns, assistant sergeant-at-arms, for services as such, the sum of five dollars. G. W. Burns.

—— Buckles, assistant sergeant-at-arms, for services as such, the sum of six dollars and twenty cents. —— Buckles.

John Rae, assistant sergeant-at-arms, for services as such, the sum of seven dollars and twenty cents. John Rae.

David Kilgore,		avid Kilgore.
For one day's attendance,.....		2 00
David Cain,		David Cain.
For 200 miles travel,.....	10 00	
Three days' attendance,.....	6 00	
		16 00
R. Schoonover,		R. Schoonover.
For 390 miles travel,.....	14 50	
Four days' attendance,.....	8 00	
		22 50
Samuel J. Anthony,		S. J. Anthony
For 381 miles travel,.....	15 40	
Three days' attendance,.....	6 00	
		21 40

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George C. Clark. George C. Clark,

For 90 miles travel,.....	4 50	
Three days' attendance,.....	6 00	
		10 50

James Dick. James Dick,

For three days' attendance,.....		6 00

T. D. Fouts. Thomas D. Foutz,

For 216 miles travel,.....	10 80	
Three days' attendance,.....	6 00	
		16 80

Sol. Meredith. Sol. Meredith,

For 106 miles travel,.....	5 30	
Two days' attendance, ...	4 00	
		9 30

H. Dumont. E. Dumont,

For two days' attendance,.....		4 00

T. Cutshaw. Townsend Cutshaw,

For 228 miles travel,.....	14 40	
Four days' attendance, ...	8 00	
		22 40

CHAPTER IV.

AN ACT to amend the thirty-second section of An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana—for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.

[APPROVED DECEMBER 22, 1858.]

Thirty-second section of act providing for election of assessors, &c., amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the thirty-second section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and auditor of State, approved June 21, 1852, and which reads as follows, to-wit:

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"SEC. 32. It shall be the duty of the president, secretary, agent, or other proper accounting officer of every rail road, plank road, turnpike road, slack water navigation, telegraph, and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company, and its value, attested by the oath of the officer making the same, and shall furnish a statement dividing the aggregate amount of all the stock of such company amongst the several counties, in proportion to the value of the superstructure, buildings, and real estate of such company in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, secretary, cashier, treasurer, engineer or constructing agent of such company, to furnish the auditor of the county where the work first enters this State, a statement made under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company within this State, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind; which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount, that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed;" be and the same is hereby amended to read as follows, to-wit:

How amended.

It shall be the duty of the president, secretary, agent, or other proper accounting officer of every rail road, plank road, turnpike road, slack water navigation, telegraph and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company and its value, excepting therefrom all lands and their value held in trust or owned by said company that are not used in running or operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge, which list shall be attested by the oath of the officer making the same, and the said officer shall furnish a statement dividing the aggregate amount of said stock amongst the several counties in proportion to the value of the superstructure, buildings, and real estate owned and used by such company in operating and carrying on their said business in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, cashier, secretary, treasurer, engineer, [or] constructing agent of such company to furnish the auditor of the county where the work first enters the State, a statement under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned and used by such company in running and operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge within this State, the amount expended

Company or corporation to furnish auditor of county a list of stock, its value, &c.

List to be sworn to

Stock to be divided in counties where superstructure buildings, &c., situated.

When the principal office of company is not in this State.

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in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount, that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed, and all the lands owned or held in trust by any of the aforesaid companies, and not used by them in running or operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge, shall be assessed for taxation, and the taxes collected in the counties where they severally lie, in the same manner and subject to the same rules and regulations that govern the assessment and collection of taxes on the lands of private persons.

CHAPTER V.

AN ACT to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporation of real estate, the titles to which have been taken in the names of trustees.

APPROVED DECEMBER 22, 1858.

Towns may be incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where any persons may have heretofore associated themselves together for the purpose of building a town within any county in this State, they may be incorporated as hereinafter provided.

Notice of organization to be given 21 days before meeting.

SEC. 2. Notice of the intention to organize such corporation, and of the time and place of holding the first meeting, signed by one or more persons, shall be published in some newspaper of the county where such town has been located, or if none, then in some newspaper of an adjoining county, for at least twenty-one days before such meeting is held.

President and Secretary to be chosen at first meeting.

Secretary to furnish a statement of name, object, &c.

SEC. 3. At such first meeting a temporary or permanent presiding officer and secretary shall be selected, and a written statement prepared specifying the object of such association, its name, and the time and manner of giving such notice, to be signed by such presiding officer and secretary.

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To Recorder.

SEC. 4. Such statement, and a copy of such published notice, shall be filed in the office of the recorder of such county, and by him shall be recorded in the record of deeds, for which he shall be entitled to a fee of two dollars.

Recorder's fee $2

Meeting to consist of 20 or more persons.

SEC. 5. It shall not be necessary for a majority of the members of such association to be present at such first meeting, but any twenty or more shall be sufficient to hold the meeting and organize the corporation.

To be deemed a body corporate, have seal, make by-laws, &c.

SEC. 6. From the time of filing such statement as aforesaid, such association shall be deemed and held a body corporate and politic by the name selected as aforesaid, with full powers to sue and be sued, contract and be contracted with, have a common seal, make laws for their own government, and may exercise all such other powers as are incident to corporations, for the purpose of carrying into effect the object of their association.

May acquire and own real estate.

SEC. 7. Such corporation may acquire, by purchase or otherwise, real estate, and may hold and convey the same, or any part thereof, in such manner as they may see fit; but nothing herein contained shall be so construed as to exempt such lands from taxation as other lands are taxed.

Shall keep a record of proceedings.

SEC. 8. Such corporation shall keep a record of its proceedings, and such record or copies thereof, duly attested by its clerk or secretary, may be read in evidence in all suits at law where the interests of such corporation are concerned.

Towns having purchased real estate heretofore by trustees, shall have land conveyed to association.

SEC. 9. Wherever any persons have associated for the purpose aforesaid, and have purchased real estate prior to the passage of this act, and have taken deeds to one or more persons in trust for such association, and such association shall hereafter become incorporated under the provisions of this act, then such trustees may and shall convey to such corporation all such real estate, and shall assign to such corporation all such title-bonds as may have been executed to them in trust for such association, and such conveyances and assignment shall pass as good and perfect a title to such corporation for such lands as if such association had been incorporated at the date of the execution of such deeds, and said deeds had been executed to the corporation.

Emergency declared to exist.

SEC. 10. Whereas, there are one or more associations in this State formed for the purpose mentioned in this act: and whereas, it is important that the titles to their lands should be at once adjusted; it is hereby declared that an emergency exists, aad that this act shall be in force from and after its passage.

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CHAPTER VI.

AN ACT to vest in the assignees of the Branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said Bank, the possession, collection, and enjoyment of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them other rights.

APPROVED DECEMRER 23, 1858.

Assignee or transfer of any branch of State Bank to have same powers as such branch.

Be it enacted by the General Assembly of the State of Indiana, That where any of the Branches of the State Bank of Indiana, in the proeess of winding up their business, may have made, or before the expiration of the charter of said Bank shall make to any person or persons, or to any body corporate by order or resolution of their Board of Directors, or by an agent for that purpose appointed by such order, a transfer and assignment of all or any part of their personal property, bonds, mortgages, judgments, decrees, notes, bills, acc· unts, claims, choses in action, or other assets, (except real estate) whether such transfer and assignment be made in trust, or by way of absolute sale and conveyance for the use of said transferee or assignee, the same shall vest in the party to whom such transfer or assignment is made, the right to enforce the possession, collection, and enjoyment, in his or their own name or names, for any of the purposes last aforesaid, to have and issue any summons, *scire facias*, *fieri facias*, or legal process, and to prosecute the same, and to give in like manner in his or their own name or names any acquittance or acknowledgment of satisfaction which such Branch or the State Bank of Indiana for its use might have given in the premises if such assignment had not been made. And all liens created by any such mortgage, decree, or judgment, shall continue in favor of such assignee or assignees. The provisions of this act shall continue as well after the expiration of the charter of the said State Bank as before, but shall not vest in such assignee or assignees any other or greater rights than such Branch or the State Bank of Indiana for its use might have had in the premises, except as to the duration of the period for its enforcement.

Provisions of this act to continue same after expiration of charter of State Bank as before.

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It is hereby declared that an emergency exists for the passage of this act, and the same shall be in force from and after its passage. Emergency.

CHAPTER VII.

AN ACT to authorize Churches to form a union, assume a new name, appoint trustees, and to enable them to receive conveyances of lands, and donations of personal property.

APPROVED DECEMBER 21, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, When the members of two or more churches desire to form a union, and assume a new name, be and they are hereby authorized so to do, by each church appointing three of its members as trustees, who shall, within twenty days after their appointment, meet at a time and place agreed upon, and regularly organize by appointing one of their number chairman, and another secretary of their meeting, and when so organized, they shall agree upon the name that the united churches shall thereafter assume. Two or more churches authorized to form union and appoint trustees.

SEC. 2. The secretary shall record the proceedings of said meeting in a record to be kept for that purpose, and shall, within ten days thereafter, deposit in the recorder's office of the county where said church shall hold its place of worship, a certificate setting forth the names of the old churches that have united, the name of the new church, and the names of the trustees thereof, and the recorder shall record the same among the records of deeds in his office. To keep record of proceedings, to be recorded in recorder's office.

SEC. 3. Said trustees so appointed shall be the trustees of said new church until their successors shall be duly elected and qualified, and shall be deemed a body politic and corporate by the name and style of the "Trustees of ———," and by that name shall have power to contract and be contracted with, sue and be sued, to receive and dispose of real and personal estate, for the sole use and benefit of said new church, in like manner and with like effect as other persons or corporations. Trustees appointed as above, to be trustees of new church.

SEC. 4. After said certificate is recorded in the recorder's office, as provided in section two of this act, it Trustees of old churches to convey to trustees of

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New churches lands, &c., belonging to old churches.

shall be lawsul for the trustees of said churches that have united to convey by deed to the trustees of the new church, and their successors in office, all lands belonging to said old churches, which deeds shall be recorded in the recorder's office where said lands are situate, and also to deliver to said trustees of said new church all articles of personal property belonging to said old churches, a list of the articles of personal property so delivered shall be recorded by the secretary of said new church, in the church record as aforesaid, which articles of personal property and real estate shall be held by said trustees of new church, and their successors in office, for the use and benefit of said new church.

Old churches to cease to exist when property is transferred to new church.

SEC. 5. So soon as the trustees of said old churches shall have made said conveyance of lands, and delivery of personal property, as aforesaid, to said trustees of new church, said old churches from and after that time shall cease to exist, and all rights, powers, privileges, and liabilities belonging thereto, shall from and after that time vest in and attach to the new church so organized as aforesaid, with full power to the trustees thereof to sue and be sued, the same as the trustees of the old churches could before they ceased to exist.

New church may pass by-laws.

SEC. 6. Such new church, when organized as aforesaid, shall have full power to establish all necessary by-laws, and make all needful regulations to carry out the objects of its organization.

And elect officers.

SEC. 7. Such new church may appoint or elect a treasurer, and such other officers as it may see fit to carry on its organization.

Emergency.

SEC. 8. There being no law in this State authorizing the union of churches as in this act provided; and whereas, there are churches in the State desirous of uniting immediately, be, and it is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage.

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CHAPTER VIII.

AN ACT to repeal an act entitled "An act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana," approved March 7th, 1857.

APPROVED DECEMBER 21, 1858.

An act in relation to the Calumet feeder dam.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana, approved March 7th, 1857, be and the same is hereby repealed.

Repealed.

Emergency.

SEC. 2. As there is a large portion of land now overflowed by the maintenance of the Calumet feeder dam, and as the Illinois company have failed to comply with the conditions of the law, it is hereby declared that an emergency exists requiring the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER IX.

AN ACT to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel, and Macadamized roads in their respective counties which may have been abandoned by the corporations constructing and maintaining the same.

APPROVED DECEMBER 23, 1858.

Board of Commissioners to take possession of turnpikes, &c., when abandoned by company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the county commissioners of any county in this State, or the board doing county business therein, to

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take possession of and control all plank, gravel, or macadamized roads within their respective counties, whenever the same shall have been abandoned and suffered to go out of repair by the corporation constructing the same.

And annex same to road districts.

SEC. 2. Said board shall have authority, and it shall be its duty, to annex said road for repair to contiguous and appropriate road districts, and require the supervisor thereof to keep the same in repair as other roads are maintained and repaired. *Provided, however*, That nothing in this act shall be so construed as to effect any plank, gravel, and macadamized roads in any manner whatever, where the same has been leased or sold to any person or persons, or corporation, and has not been abandoned by any such person or corporation.

Proviso—This act not to affect roads that have been leased or sold.

Emergency.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, on account of the non-repair of such abandoned roads in this State, it is therefore declared that this act shall take effect and be in force immediately upon its passage.

CHAPTER X.

AN ACT supplemental to an act entitled, "An act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location, approved March 2d, 1855," so as to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House, and where a deed has been executed; to provide, also, for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property.

When two-thirds of the legal voters petition for removal of county seat.

APPROVED DECEMBER 22, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when two-thirds of the legal voters of any county in this State have, before the passage of this act, petitioned the board of commissioners of such county to re-locate the county seat of such county, designating the tract of land where such re-location is desired, and also designating a house stand-

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ing upon such land to be used as a Court House; and where a deed has been executed by any person or corporation having a legal title to such land conveying the same to such board for sites for a Court House and County Prison, or for purposes of re-location, such county seat shall be removed in the manner hereinafter provided.

Number voters, how estimated.

SEC. 2. For the purposes of this act, the number of voters at the general election in such county next preceding the presentation of such petitions to the board of commissioners, with twenty per centum added thereto, shall be considered the whole number of voters of such county.

Signatures to be sworn to.

SEC. 3. The affidavit of one or more person stating that the signatures to such petitions are genuine, and that the petitioners are legal voters of such county, shall be *prima facia* evidence that the facts so stated are true.

Assignment by law to county.

SEC. 4. If any incorporated town has any interest in or claim to such tract of land, or any part thereof, or to the improvements thereon under any title-bond or executory contract, then an assignment of such bond or contract by a majority of the board of trustees of such town to the board of commissioners of such county, by an order entered upon their book of proceedings, shall pass the whole title, interest, and claim of such town in such land and the improvements thereon, and a copy of such entry, certified by the clerk of said town, shall be at all times sufficient evidence of such assignment, and such board of trustees are hereby empowered to make such assignment, and any former assignment is hereby legalized and confirmed.

Evidence thereof.

Person agreeing to furnish building, &c., entitled to re-conveyance of property.

SEC. 5. When the person or corporation by whom such tract of land has been conveyed, has filed or shall file an agreement with such board of commissioners undertaking to erect a suitable building of stone for county offices, upon said site, in consideration of the re-conveyance to such person or corporation of a portion of said land, such agreement shall be received by such board, and upon the completion of such building, such commissioners shall re-convey said portion of land to the said person or corporation, and a deed executed by the said commissioner shall convey to such person or corporation a full and complete title therefor.

County treasurer to receive contributions for court house.

SEC. 6. Immediately after the passage of this act, the treasurer of every county where such petitions and deeds have been filed with the board of commissioners, shall receive contributions for the fitting of such house

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for a court house, and for the building of a county prison.

And be responsible on bond for the same.

SEC. 7. The treasurer and his sureties shall be responsible on their official bonds for the collection, safe keeping, and correct disbursement of said contributions.

When 3,500 contributed, treasurer to report to co. board.

SEC. 8. So soon as the sum of thirty-five hundred shall have been contributed, the treasurer shall report such contribution to the board of commissioners of such county, and for that purpose may, in connection with the county auditor, call a special meeting of the board of commissioners, in the manner provided by law for the calling special meetings of the county board.

County auditor issue proposals.

SEC. 9. The county auditor shall, immediately after the passage of this act, issue proposals for the building a county prison upon the site selected as aforesaid, and for the fitting up said house as a court house, the cost of the prison not to exceed two thousand dollars, and of the fitting up the house not to exeed eight hundred dollars, said work to be completed within six months.

Proposals to be published.

SEC. 10. Such proposals shall be published in some newspaper of the county for three weeks, if any there be, and the bids, and plans, and specifications must be filed in the auditor's office within one month thereafter.

County commissioners to let work.

SEC. 11. So soon as said treasurer shall report that he has received contributions to the amount of thirty-five hundred dollars in money, said board of commissioners shall immediately let such work to the best bidders, and shall take care that the work be put in progress at once, and shall make from time to time such payments to the contractor as shall ensure a speedy completion of the contract.

Work to be under supervision of two or more citizens of town

SEC. 12. Such building, fitting up and repairing, shall be conducted under the superintendance of one or more suitable person or persons resident of the town where such county seat is to be re-located, to be selected by such board, to whom no compensation shall be allowed.

Books, papers, &c., to be removed to new Which shall be

SEC. 13. At the expiration of six months after said work is let, as provided in section 11 of this act, provided such public buildings are completed, the board of commissioners shall cause all the books, papers, and furniture of the several courts and offices of the county, and of the county prison, and the occupants of such prison, if any there be, to be removed to such new site and buildings, and from the time of such removal, such new site shall be held and deemed to be the county seat of such county, and the courts of the county shall be

deemed the county seat.

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there held, and the county business there transacted, as at the county seats of other counties.

This act, and how construed.

SEC. 14. This act shall be construed literally in favor of such re-location, so as to advance and carry into effect the wishes and intentions of such petitioners.

On failure of any party to perform duty. Common Pleas Court to enforce contracts.

SEC. 15. Should the said board of commissioners, or any county officer, fail or refuse to perform any duty required of them by this act, then, upon the affidavit of any one of said petitioners, the Circuit Court or Court of Common Pleas of said county shall enforce the performance of such duty by writ of mandate, as in other cases where a writ of mandate is provided by law.

Action against county board to be brought within one year.

SEC. 16. Every action against any county or the board of commissioners thereof, or against any individual that in any manner may arise or grow out of the re-location of a county-seat under the provisions of this act, shall be commenced within one year after the cause of action has accrued, and not afterwards: *Provided*, That any person under legal disability when such cause of action accrues, may bring an action within six months after such disability is removed.

Proviso, disability.

Old site and building to be reserved as seminary of learning.

SEC. 17. If in any county in this State the county seat be re-located under the provisions of this act, the board of commissioners shall then convey the building before occupied as a court house, with the lot of ground on which it stands, and the lot of ground upon which the building before occupied as a prison stands, with the improvements, to three trustees to be held by them forever for the use of a seminary of learning; and it shall be lawful for such trustees to add to their number and to appoint their successors.

Effect of this act explained.

SEC. 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "An act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, to which this act is a supplement.

No money to be from general fund.

SEC. 19. Nothing in this act shall be so construed as to permit any money to be drawn from the general fund of the county treasury for the purpose of carrying out any of the provisions of this act.

Emergency.

SEC. 20. It being important that the petitions heretofore presented to the board of commissioners, for the purpose named in the first section of this act, should be acted on at once, it is hereby declared that an emergency exists, and that this act shall be in force from and after its passage.

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CHAPTER XI.

AN ACT To fix the time of holding the Courts of Common Pleas in the County of Bartholomew.

[APPROVED DECEMBER 15, 1858.]

C. P. Court to be held second Mondays in February, May, August, and November.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Courts of Common Pleas shall be held in the county of Bartholomew, on the second Mondays of February, May, August, and November of each year, and shall sit two weeks at each session thereof, if the business require it.

Process &c., how returnable.

SEC. 2. All process made returnable to said court at the time heretofore fixed for holding the session thereof, shall be and the same are hereby declared and made returnable to the terms of said courts as fixed by this act; and all business whatever, now pending in said courts heretofore continued until any future term thereof, is hereby continued until the term as fixed by this act; and all business whatever now pending in said court, heretofore continued until any future term thereof, is hereby continued until the term as fixed by this act, immediately succeeding the term heretofore fixed for holding such sessions. And all parties, officers, witnesses, and persons, are hereby required to take notice of the changes herein made.

Parties required to take notice of this act.

SEC. 3. All laws, and parts of laws, in conflict with the provisions of this act are hereby repealed.

Emergency.

SEC. 4. It is hereby declared that an emergency exists requiring the immediate taking effect of this act; and that it shall be published in the Indiana State Journal and Indiana State Sentinel, and be in force from and after its passage.

[Published in the *Journal* and *Sentinel* Dec. 15, 1858.]

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CHAPTER XII.

AN ACT to amend the first section of an Act entitled "An Act providing for extending the terms of Circuit Courts, by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the Court or Judge to call and hold special terms, and to fix the compensation of the Judge for holding such adjourned and special terms, and of Prosecuting Attorneys while in attendance upon the same.

[APPROVED DECEMBER 24, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an Act entitled "An Act providing for extending the terms of Circuit Courts, by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, which reads as follows, to wit:

"That if, at the close of any term of any Circuit Court of any county, or when it shall become necessary or proper for said Court to adjourn from any cause, the business pending therein shall not be finished, it shall be lawful for such Court to adjourn until some other certain time, to be specified in the adjourning order, of which public notice shall be given in some manner to be specified by said Court; and at such time such Court shall meet and continue in session so long as the business shall require; and such adjourned term shall be deemed a part of the regular term of such Court," be and the same is hereby amended so as to read as follows: Amended Section.

That if at the close of any Circuit Court of any county, or where it shall become necessary or proper for said Court to adjourn from any cause, and the business pending therein shall be unfinished, it shall be lawful for such Court to adjourn until some other certain time, to be specified in such adjourning order, of which public notice shall be given in some manner to be specified by such Court; and at such time such Court shall meet and continue in session so long as the business shall require; and such adjourned term shall be deemed a part of the regular term of such Court; and such Court, or the Judge thereof, in vacation may, at his discretion, call a special term, and fix a time for the trial of any action or actions, or of all actions pending in said Court, when the complaint has been filed and process served ten days prior to the day fixed for such special term; and for the trial of any person or persons charged with felony, whether in jail or upon recognizance, causing

Court to give notice of adjournment and time of meeting.

Shall meet and continue as long as the business shall require it.

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Special term may be called.

To have same rules, &c., and effect of regular terms.

notice to be given to such parties of such special term. Said Judge shall conduct the business of said special term under and subject to the same rules and regulations that govern Circuit Courts at any regular term thereof, and shall in all things have and possess the same authority, and all its orders, judgments and decrees shall have the same effect as if made and rendered at a regular term.

Compensation of Judge and Prosecuting Attorney.

SEC. 2. Such Judge shall be allowed, as a compensation for his services in holding such special or adjourned term, for each and every day he shall serve, and in going to and returning from the place of holding the same, the sum of five dollars per day; and upon a certificate of the number of days served, signed and attested by the clerk, being presented to the Auditor of State, he shall issue his warrant on the State Treasurer for the amount of such services. The Prosecuting Attorney of the Circuit shall be allowed the sum of four dollars for his services in attending upon such special or adjourned term, for each and every day he shall serve, and in going to and returning from the place of holding the same, to be certified, attested and paid in the same manner provided for the compensation of said Judge.

Summoning jurys.

SEC. 3. Whenever the Judge shall fix the time for holding such special term, the clerk shall, if the Judge require it, issue summons for the grand and petit jurors of the last preceding regular term, whose attendance shall be enforced in the same manner as if so summoned to appear at the regular term.

Emergency.

SEC. 4. Inasmuch as it is necessary that the powers herein conferred should be exercised immediately, an emergency exists for the immediate taking effect of this Act, and the same shall take effect and be in force from and after its passage. And the Auditor of State is hereby directed to forward a copy thereof to each of the Clerks and Judges of the Circuit Courts immediately, and to cause the same to be published in the *Indiana State Sentinel* and the *Indiana State Journal*.

[Published in *Sentinel* Dec. 28, 1858, and *Journal* Dec. 29, 1858.]

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CHAPTER XIII.

AN ACT to cure defects in the execution of deeds or in the certificate of acknowledgments of conveyances of real estate or any interest therein in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

[APPROVED DECEMBER 23, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all conveyances of lands or any interest therein, heretofore made by deed in writing, subscribed and duly acknowledged by the grantor, or by his attorney, and all certificates of acknowledgments of any conveyance of lands, or of any interest therein, taken before any person duly authorized to take such acknowledgments, and not required by law to have and keep an official seal of office, shall have the same legal effect as if such conveyance or certificate had been under seal, and the record thereof shall be as effectual notice to subsequent purchasers and for all purposes, as if the conveyance or certificate had been under seal, or an ink scroll. Effect of instruments acknowledged or executed not under seal.

SEC. 2. Hereafter the affixing of a private seal or ink scroll, shall not be necessary to give validity to any conveyance of lands or of any interest therein, executed by a natural person, nor shall it be necessary for the officer taking the acknowledgment of the same, to use an ink scroll or seal, unless he be an officer required by law to keep an official seal. Private seal ink scroll not necessary.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repealing clause.

CHAPTER XIV.

AN ACT to regulate the collection of judgments and the sale of property on execution against any sheriff, constable, or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding moneys in a fiduciary capacity, or the securities of any or either of them.

[APPROVED DECEMBER 21, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter all judgments re- Judgments ered against tain persons to

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collected without stay.

covered against any sheriff, constable, or other public officer, administrator, executor, or any other person or corporation, or the sureties of any or either of them, for money collected or received in a fiduciary capacity, or for a breach of any official duty, or for money or other article of value held in trust for another, shall be collectable without stay of execution, or benefit of the valuation or appraisement laws of this State.

CHAPTER XV.

AN ACT to repeal an act entitled "An Act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855.

[APPROVED DECEMBER 21, 1858.]

Prohibitory law repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855, be and the same is hereby repealed.

CHAPTER XVI.

AN ACT for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters.

[APPROVED DCEMBER 23, 1858.]

Officer refusing to receive votes guilty of misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any inspector or judge of any election held within this State, who shall knowingly and wilfully or corruptly, refuse or neglect to receive the vote of any legal voter, at any election held within this State, shall be deemed guilty of a misdemeanor, and on conviction thereof, in any court, having jurisdiction of misdemeanors, shall be fined in any sum not less than ten nor more than one hundred dollars.

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CHAPTER XVII.

AN ACT to amend section third of "An act regulating the licensing of Pilots at the falls of the Ohio, requiring bond and security of such Pilots, prohibiting any unlicensed person from acting as such Pilot, and providing for the compensation of such Pilots, and the revocation of their licenses," approved June 15, 1852.

[APPROVED DECEMBER 22, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section third of the above entitled act, which reads as follows, to-wit: Sec. 3 of An act &c., amended.

"SEC. 3. Every person not licensed as aforesaid, who shall openly or covertly act as such pilot, shall be liable to pay twenty dollars for the use of common schools, to be recovered in an action of debt in the name of the auditor of Clark county, for the use of such county, before any justice of the peace in said county. *Provided*, That any *bona fide* owner or navigator of a boat descending or ascending the Ohio river, may navigate said falls at his own risk," be and the same is hereby amended to read as follows, to-wit:

SEC. 3. Every person not licensed as aforesaid who shall openly or covertly act as such pilot, or in any manner whatever violate the provisions of this act, shall be fined twenty dollars for each and every violation thereof, said fine to be assessed and collected before any justice of the peace in Clark county for the benefit of the common schools, in the same manner that other fines are assessed and collected for misdemeanors. *Provided*, That any *bona fide* owner or navigator of a boat descending or ascending the Ohio river may navigate said falls at his own risk. How amended. Acting as pilot without license. How punished. Proviso.

CHAPTER XVIII.

AN ACT in relation to ventilating, repairing, and warming county prisons.

[APPROVED DECEMBER 18, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any Grand Jury of County Commissioners to repair, ventilate or warm

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Jail when condemned by grand jury.

any county in this State shall condemn any jail as unsafe, or shall recommend that better provision and accommodation shall be made for the prisoners as respects air, clothing, or heating the same, it shall be the duty of the Board of County Commissioners to cause said jail or prison to be repaired; and in all cases when there is insufficient ventilation or bedding, or when no provision is made for the heating of the jail wherein persons are confined, it is made the duty of the County Commissioners to cause the same to be done.

CHAPTER XIX.

AN ACT to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officer or person doing business in the counties, and have exercised corporate powers.

[APPROVED DECEMBER 21, 1858.]

Corporations in certain cases to be summoned constructively.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any civil action now pending, or which may hereafter be brought in any court in this State, against any corporation created by the act of the General Assembly of this State, wherein it shall appear by the sheriff's return, that such corporation has no officer, or person authorized to transact its business, residing within the county where such corporation has been located, or has exercised its powers, upon whom process can be served, then such corporation may be constructively summoned in such action where a defendant is a foreign corporation, or by the personal service of summons out of the State, upon any officer of such corporation, or upon any person authorized to transact its business.

Emergency.

SEC. 2. Whereas there are now actions pending within this State, such as are contemplated in the foregoing section, which are delayed by reason of the inability to secure the service of process, it is therefore hereby declared that an emergency exists for the immediate taking effect of this act, and that this act be in force from and after its passage and publication in the Indiana State Sentinel, and Indiana State Journal.

[Published in *Sentinel* Dec. 28, 1858, and in *Journal* Dec. 29, 1858.]

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CHAPTER XX.

AN ACT to raise a revenue for State purposes for the years 1859 and 1860.

[APPROVED DECEMBER 21, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes shall be, and is hereby authorized and directed to be levied upon each one hundred dollars of the value of all property entered for taxation in the general list of taxables for the years 1859 and 1860, as follows, to-wit: For the year 1859, twenty cents on each one hundred dollars, and fifty cents upon each poll subject by law to taxation, and for the year 1860 fifteen cents upon each one hundred dollars, and fifty cents upon each poll subject by law to taxation. Tax to be levied for 1859. For 1860.

SEC. 2. Whereas it is desirable that the taxes herein levied should be placed upon the tax duplicate, as soon after the assessment of the real and personal estate as possible, so that the treasurers may have the duplicates placed in their hands at an early day in the next year; And whereas it frequently happens that the laws are not distributed in the various counties until late in the summer, and in this case would not give the Auditors time to get the tax entered upon the duplicates as early as will be desired for 1859: Therefore in the opinion of this legislature, an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage. Emergency.

CHAPTER XXI.

AN ACT to provide for the re-appraisement and sale of school lands in cases therein mentioned.

[APPROVED DECEMBER 23, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the expiration of the term of four years from and after any appraisement and offer of sale of any lands in this State belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-aprraise, sell, and School lands remaining unsold for five years to be re-appraised and sold.

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dispose of said lands in the same manner that they would have been, had such lands not been previously offered for sale. *Provided, however*, That such appraised value shall not be below the minimum price as now affixed by law.

Emergency.

SEC. 2. Whereas, there are in some of the townships of this State lands belonging to such townships for school purposes, which have been offered for sale, and which yet remain unsold, and there are doubts existing as to the right of said townships to have said lands reappraised and again offered for sale under any law of this State, therefore it is declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

CHAPTER XXII.

AN ACT to secure to the Sinking Fund a debt which the State owes to said Fund, and to provide for the payment of interest on said debt.

[APPROVED DECEMBER 23, 1858.]

Preamble. Sundry debts due Sinking Fund.

WHEREAS, The State, under an act of the Legislature of February 6, 1841, has become indebted to the Sinking Fund in the sum of fifty-nine thousand, six hundred and twenty-six dollars and sixty cents, ($59,626.60) bearing interest at the rate of six per cent. per annum,

AND WHEREAS, the State, under a joint resolution of the Legislature of January 31, 1842, has become farther indebted to said Fund in an unpaid balance of six hundred and sixteen thousand six hundred and eighty-one dollars and 44 cents, ($616,681.44) bearing in like manner interest as aforesaid, which two sums amount to six hundred and seventy-six thousand three hundred and eight dollars and four cents, ($676,308.04) on which the unpaid interest will amount, on the first day of January, 1861, to five hundred and eight thousand, five hundred and seventy-three dollars and thirteen cents, ($508,573.13) making, principal and interest together, the sum of one million, one hundred and eighty-eight thousand, two hundred and

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nineteen dollars and sixty-four cents, ($1,188,219.64) due to said Fund at said time, after having added three thousand, three hundred and thirty-eight dollars and forty-seven cents, ($3,338.47) for the printing of treasury notes paid for by said fund,

AND WHEREAS, the residue of all the assets and means of the Sinking Fund merges into and becomes part of the school fund of the State, when the Sinking Fund shall have redeemed the bank bonds, as bound to do by its continuation. Therefore,

State to issue 6 per cent. bond to Sinking Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State shall issue, through its proper officers, a bond to the Sinking Fund for the sum of one million, one hundred and eighty-eight thousand, two hundred and nineteen dollars and sixty-four cents, ($1,188,219.64) which bond shall bear interest at the rate of six per cent. per annum, from and after the first day of January, 1861, payable annually.

Payable at pleasure of State.

SEC. 2. Said bond shall be made payble at any time at the pleasure of the State, unless through some unforeseen casuality all other resources of said Sinking Fund should be insufficient to redeem the Bank Bonds chargeable to said fund, when they become due, in which case the State shall pay so much of said bond as the exigency of the case may require, and such payment or payments shall be endorsed on said bond.

Provision in case Sinking Fund surrenders its means to some other fund or body corporate.

SEC. 3. In the event that the present Sinking Fund, after having redeemed the Bank Bonds and other obligations for which it is liable, should lawfully surrender, or be bound to surrender the residue of its means to some other fund or body corporate, instituted for the safe-keeping and managing the funds of the common schools of the State, then said bond or the balance due thereon shall be payable, to that same fund, or body corporate, but in no other event nor for any other purpose, shall this bond be transferable or assignable, nor shall it ever be pledged as security for the payment of any debt or obligation.

Interest to be paid annually.

SEC. 4. The interest on the bond as stated in section first, shall be paid annually by the Treasurer of State to the Commissioners of the Sinking Fund, and said Commissioners shall draw their warrant upon the Treasurer of the State for said interest when it becomes due, which warrant shall be filed with the Auditor of State, who shall thereupon draw his warrant upon the Treasurer of State for the amount therein specified in favor of said Sinking Fund Commissioners, which shall be

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paid out of any money not otherwise appropriated, and in the event specified in section three, that the bond should become payable to some other fund, or body corporate, then the officer or officers of said fund or body corporate shall be the recipient of said interest, and they shall have the power, and shall perform the duty as herein prescribed for the Commissioners of the Sinking Fund.

Bond. How executed.

SEC. 5. The bond as specified in section one shall be executed on permanent material by a person skilled in the art of penmanship, it shall set forth the substance contained in this act, and it shall be duly signed by the Governor, Auditor and Treasurer of State, and attested by the Secretary with the seal of State.

Bond to be kept by officers of Sinking Fund, or holder of bond.

SEC. 6. Said bond shall be securely kept by the officers of the Sinking Fund, or in the event mentioned in section three, by the proper officers of the fund or body corporate, to which it may have become payable as aforesaid.

CHAPTER XXIII.

AN ACT to enable the holders of unauthorized paper money to collect the amount thereof from any person, company or corporation, heretofore or hereafter issuing or aiding in the issue or circulation thereof.

[APPROVED DECEMBER 23, 1858.]

Any party having issued any "shinplaster" liable for the amount of its face.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person, company, or corporation, not authorized by the laws of this State, or any other State of the United States, who have made, issued or circulated, or caused to be made, issued or circulated, any bill, note, or promise to pay, in the nature, similitude or likeness of paper currency or bank bills, shall forfeit and pay by way of civil damages to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face thereof.

Any party that may issue liable

SEC. 2. Any person, company or corporation, not authorized by the laws of this State, or any other State

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of the United States, who shall make, issue, utter or circulate, or caused to be made, issued, uttered or circulated, any bill, note, or promise to pay, in the nature, similitude or likeness of paper currency or bank bills, shall forfeit and pay by way of civil damages, to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face therof. In like manner.

SEC. 3. *Be it further enacted*, That any person, company or corporation, who have heretofore made, issued, uttered or circulated, or caused the same to be done, any such bill, note or promise to pay, as in the last preceding section described, and who shall hereafter in any manner aid or encourage the further circulation of the same, either by holding out a promise that the same shall be redeemed, or otherwise, shall forfeit and pay by way of civil damages, to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face thereof. Same subject.

SEC. 4. In all prosecutions under the preceding sections of this act, the notes or bills as therein described, shall be received as evidence of the amount of damages the plaintiff is entitled to recover, and in any such trial it shall not be necessary to prove the execution of such bills or notes, unless the same is denied under oath; *Provided, however*, That if any bill, note or promise to pay as described in this act, shall be lost or destroyed, or shall be in the possession of the person, company or corporation, who issued the same, or any officer or agent or member of such company or corporation, such person, company or corporation not having redeemed the same, the same may be sued upon as a lost instrument, and it shall not be necessary to produce upon trial such bill, note or promise to pay. What considered evidence of the liability of the issuer.

SEC. 5. Inasmuch as a large amount of unauthorized paper currency is now in circulation throughout the State, and the holders thereof unable to collect the same, it is hereby declared that an emergency exists, requiring the immediate taking effect of this act, and the same shall therefore be in force from and after its passage and publication in the Indiana State Journal, and the Indiana State Sentinel. Emergency.

[Published in the *Journal* and *Sentinel* Dec. 24. 1858.]

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JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF INDIANA.

CHAPTER I.

A JOINT RESOLUTION directing the Treasurer of State to appropriate all public money in his hands as herein provided, and directing the Governor, Treasurer, and Auditor, to borrow of the Commissioners of the Sinking Fund, or elsewhere (giving the preference to said funds.)

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State be directed to appropriate all the public money in his hands, and beyond the sum which in his estimates, will be required to meet the current expenses of the State up to the 25th of January next, towards the payment of the interest on the foreign debt of the State, due on the first of January, 1859; and also, that the Governor, Treasurer, and Auditor of State, be directed to borrow of the Board of Sinking Fund Commissioners, or elsewhere, giving preference to said fund, whatever sum may be required for the payment of said interest; and to give therefor the necessary bonds or obligations of the State, bearing seven per cent. interest if necessary, payable either wholly or in part at the pleasure of the State, on or before the first day of April, 1861; and that the Board of the State Debt Sinking Fund, be directed, if necessary in effecting such loan, to pledge for the payment thereof, any bonds or certificates of the State which are held by said Board of the State Debt Sinking Fund, and are now in the hands of said Auditor.

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CHAPTER II.

WHEREAS, the Indiana State Board of Agriculture have memorialized the General Assembly in reference to a Geological Survey, and have stated that the vast agricultural, mineral resources of the State are comparatively unknown, would be rapidly developed was such a survey made and published; therefore,

Be it resolved, The Senate concurring, that a joint committee of sixteen be appointed, corresponding with the districts arranged by said Board, of which nine shall be of the House and seven of the Senate, to whom the whole subject shall be referred.

CERTIFICATE.

STATE OF INDIANA, } *Sct.*
SECRETARY'S OFFICE. }

I, Cyrus L. Dunham, Secretary of State of the State aforesaid, do hereby certify the foregoing to be true and complete copies, as appears from enrollments now on file in my office.

{SEAL.} Witness my hand and the seal of the State, at Indianapolis, this 9th day of March, A. D. 1859.

CYRUS L. DUNHAM,
Secretary of State.

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